IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

LAWRENCE STANFILL EL,	Case No. 3:15-cv-00750-SB
Plaintiff,	**OPINION AND ORDER**
v.	
OREGON DEPARTMENT OF TRANSPORTATION, OREGON DEPARTMENT OF MOTOR VEHICLES,	
Defendants.	

BROWN, District Judge:

On May 1, 2015, Plaintiff Lawrence Stanfill El ("Plaintiff") filed this action against the

Oregon Department of Transportation and the Oregon Department of Motor Vehicles (collectively,

"Defendants"), alleging, among other things, that Defendants violated his constitutional right to

travel without restriction, by falsifying his driving record. Although Plaintiff has yet to file proper

returns of service, Defendants filed a motion to dismiss the complaint on May 26, 2015. Plaintiff's

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response to Defendants' motion to dismiss is currently due on June 12, 2015, and his service papers are due on June 29, 2015.

On May 29, 2015, Plaintiff filed a motion for entry of default judgment against Defendants, pursuant to Federal Rule of Civil Procedure ("Rule") 55, alleging that default judgment should enter because Defendants failed to answer the complaint on or before June 1, 2015. Although Rule 12(a)(1)(A)(i) requires a defendant to answer a complaint within twenty-one days of service, a motion to dismiss suspends the twenty-one day deadline. *See* FED. R. CIV. P. 12(a)(4). Accordingly, the Court DENIES Plaintiff's motion for entry of default judgment (ECF No. 8) as moot, in light of the timely-filed motion to dismiss. *See, e.g., Nero v. Ives*, No. CV 14–00859–BRO, 2014 WL 3347529, at *1 n.2 (C.D. Cal. May 27, 2014) ("To the extent Plaintiff seeks to obtain a default judgment against Defendants pursuant to Fed. R. Civ. P. 55 (see Docket No. 24), Plaintiff's request should be DENIED as moot in light of Defendants' filing of the instant Motion to Dismiss."), *report and recommendation adopted*, 2014 WL 3347539, at *1 (C.D. Cal. July 7, 2014).

IT IS SO ORDERED.

Dated this 5ᵗʰ day of June, 2015.

ANNA J. BROWN
United States District Judge